

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN LAPRE,

Plaintiff,

-against-

ANSWER

08 Civ. 4889 (KMK)

METRO-NORTH COMMUTER RAILROAD,

Defendant.

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Defendant, Metro-North Commuter Railroad (hereinafter referred to as “Metro-North”), by its attorney, Richard K. Bernard, General Counsel, as and for its answer to the complaint of the plaintiff, alleges as follows:

1. As to the allegations contained in paragraph(s) 1 of the complaint, defendant refers all questions of law and fact to judge and jury.
2. Admits the allegations contained in paragraph(s) 2 of the complaint.
3. Denies upon information and belief each of the allegations contained in paragraph(s) 3 and 5 of the complaint and refers all questions of law and fact to judge and jury, except admits that plaintiff was employed by Metro-North.
4. Denies the allegations contained in paragraph(s) 4, 6 and 7 of the complaint.

AS AND FOR AN AFFIRMATIVE DEFENSE

5. As and for an affirmative defense, or as a defense in mitigation of damages, the defendant claims that any injuries allegedly sustained by the plaintiff were caused, in whole or in part, by reason of the culpable conduct of the plaintiff.

WHEREFORE, defendant demands judgment dismissing the complaint, together with costs and disbursements and such other and further relief as to this Court deems just and proper.

Dated: New York, New York
July 16, 2008

RICHARD K. BERNARD
GENERAL COUNSEL

By: S/
José R. Rios
Attorneys for Defendant
347 Madison Avenue
New York, New York 10017
212-340-2537 - JRR/5785

TO: Ira M. Maurer, Esq.
Cahill, Goetsch & Maurer, P.C.
Attorneys for Plaintiff
1025 Westchester Avenue, Suite 106
White Plains, New York 10604
914-948-3352

STATE OF NEW YORK :
: ss:
COUNTY OF NEW YORK :

LAURA MATTHEWS, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in the Bronx, New York.

On July 17, 2008, I served a true copy of the annexed ANSWER and RULE 7.1 STATEMENT, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Ira M. Maurer, Esq.
Cahill, Goetsch & Maurer, P.C.
Attorneys for Plaintiff
1025 Westchester Avenue, Suite 106
White Plains, New York 10604
914-948-3352

S/
LAURA MATTHEWS

Sworn to before me this
17 day of July, 2008

S/
NOTARY PUBLIC